

85th Legislative Session – 2010

Committee: House Commerce

Monday, February 22, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Blake
P Conzet
P Fargen
P Greenfield
P Jensen
P Kirschman
P Krebs
P Novstrup (David)
P Nygaard
P Pitts
P Solberg
P Solum, Vice-Chair
P Rounds, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Rounds.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 19, 2010

Moved by: Greenfield
Second by: Solum
Action: Prevailed by voice vote.

HB 1156: provide health insurance coverage for contraceptive drugs and devices.

There was previous testimony and discussion on HB 1156.

Presented by: Representative Joni Cutler

MOTION: AMEND HB 1156

1156ja

On page 4, after line 14 of the printed bill, insert:

" Section 7. The provisions of this Act are effective January 1, 2011."

Moved by: Nygaard
Second by: Pitts
Action: Prevailed by voice vote.

MOTION: DEFER HB 1156 TO THE 41ST LEGISLATIVE DAY

Moved by: Greenfield
Second by: Solum
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1156

Moved by: Nygaard
Second by: Blake
Action: Failed by roll call vote. (6-7-0-0)

Voting Yes: Blake, Conzet, Fargen, Nygaard, Pitts, Solberg

Voting No: Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Solum, Rounds

THE MOTION TO DEFER HB 1156 TO THE 41ST LEGISLATIVE DAY

Moved by: Greenfield
Second by: Solum
Action: PREVAILED BY ROLL CALL VOTE. (7-6-0-0)

Voting Yes: Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Solum, Rounds

Voting No: Blake, Conzet, Fargen, Nygaard, Pitts, Solberg

HB 1226: set certain age requirements for persons who sell malt beverages and South Dakota made wine at certain alcoholic beverage off-sale licensees.

Presented by: Representative Eldon Nygaard

There was previous testimony and discussion on HB 1226.

MOTION: AMEND HB 1226

1226sa

On page 1 of the printed bill, delete lines 5 to 8, inclusive, and insert:

" 35-4-79.1. No off-sale licensee licensed under subdivision 35-4-2(3),(5),(17),or (17A) may permit any person less than twenty-one years old to sell, serve, or dispense alcoholic beverages on the licensed premises unless such sales of alcoholic beverages constitutes less than fifty percent of the gross business transacted by that establishment. If alcoholic beverage sales constitute less than fifty percent of the gross business transacted by the establishment, the licensee may permit persons eighteen years old or older to sell, serve, or dispense alcoholic beverages.

Section 2. That § 35-4-79.3 be repealed.

~~—35-4-79.3. No off-sale licensee licensed under subdivision 35-4-2(3) or (5) may permit any person less than twenty-one years old to sell, serve, or dispense alcoholic beverages on the licensed premises."~~

Moved by: Solberg
Second by: Conzet
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1226 AS AMENDED

Moved by: Pitts
Second by: Solberg
Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Nygaard, Pitts, Solberg, Solum

Voting No: Novstrup (David), Rounds

HB 1155: require the registration of certain anemometer towers used for wind energy testing purposes and to declare an emergency.

Presented by: Representative Jason Frerichs

Proponents: Mike Shaw, Invenergy

There was previous testimony and discussion of HB1155.

MOTION: AMEND HB 1155

1155tc

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. For purposes of this Act, the term, anemometer, means an instrument for measuring and recording the speed of the wind. For purposes of this Act, the term, anemometer tower, means a structure, including all guy wires and accessory facilities, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

Section 2. Any anemometer tower that is fifty feet in height above the ground or higher, that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before the effective date of this Act shall be marked as required in this section within one year after the effective date of this Act. Any anemometer tower that is erected on or after the effective date of this Act shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:

- (1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;
- (2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;
- (3) The area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced. For purposes of this section, the term, area surrounding the anchor point, means an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point; and
- (4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

A violation of this section is a Class 2 misdemeanor."

Moved by: Greenfield

Second by: Solum
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1155 AS AMENDED

Moved by: Krebs
Second by: Solum
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David),
Nygaard, Pitts, Solberg, Solum, Rounds

MOTION: PLACE HB 1155 ON CONSENT CALENDAR

Moved by: Greenfield
Second by: Nygaard
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND TITLE OF HB 1155

1155ttb

On page 1, line 1, of the printed bill, delete "registration" and insert "marking".

On page 1, line 2, delete "and to declare an emergency".

Moved by: Krebs
Second by: Conzet
Action: Prevailed by voice vote.

MOTION: PLACE HB 1155 ON CONSENT CALENDAR

Moved by: Greenfield
Second by: Nygaard
Action: Prevailed by voice vote.

Chair passed the gavel to Vice Chair

HB 1138: create certified technology parks and to provide certain financing mechanisms and bonding authority to enhance knowledge and tech-based economic development.

Presented by: Representative Deb Peters

There was previous testimony and discussion on HB1138.

MOTION: DO PASS HB 1138 AS AMENDED

Moved by: Greenfield
Second by: Jensen
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1138 TO THE 41ST LEGISLATIVE DAY

Moved by: Nygaard
Second by: Jensen
Action: Failed by roll call vote. (4-8-1-0)

Voting Yes: Blake, Krebs, Nygaard, Solberg

Voting No: Fargen, Greenfield, Jensen, Kirschman, Novstrup (David), Pitts, Solum, Rounds

Excused: Conzet

THE MOTION TO DO PASS HB 1138 AS AMENDED

Moved by: Greenfield
Second by: Jensen
Action: PREVAILED BY ROLL CALL VOTE. (8-4-1-0)

Voting Yes: Fargen, Greenfield, Jensen, Kirschman, Novstrup (David), Pitts, Solum, Rounds

Voting No: Blake, Krebs, Nygaard, Solberg

Excused: Conzet

HB 1267: create a new malt beverage retailer licenses that has certain membership and age requirements.

Presented by: Representative Tim Rounds
Proponents: Senator Ryan Maher
Opponents: Bill Nevin, Department of Transportation

Terrance Dosch, SD Council of Substance Abuse Directors
Jim Carpenter, Department of Public Safety
Larry Weiss, Self, Pierre
Deb Mortenson, Associated General Contractors of SD - HHU Chapter

There was previous testimony and discussion on HB1267.

MOTION: DEFER HB 1267 TO THE 41ST LEGISLATIVE DAY

Moved by: Nygaard
Second by: Blake
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Blake, Conzet, Fargen, Kirschman, Krebs, Novstrup (David), Nygaard, Pitts, Solberg, Solum

Voting No: Greenfield, Jensen, Rounds

Vice Chair passed the gavel to Chair

MOTION: ADJOURN

Moved by: Solum
Second by: Conzet
Action: Prevailed by voice vote.

Diane Mellan
Committee Secretary

Tim Rounds, Chair